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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/598,768

06/18/2007

Winfried Kessler

KESSLER

9976

20151 7590 06/09/2008

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NEW YORK, NY 10017

EXAMINER

LEYKIN, RITA

ART UNIT

PAPER NUMBER

2837

MAIL DATE

DELIVERY MODE

06/09/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/598,768	<b>Applicant(s)</b> KESSLER ET AL.	
	<b>Examiner</b> Rita Leykin	<b>Art Unit</b> 2837	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 15-34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 15-34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 March 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. ____.                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>09/11/2006</u> .  | 6) <input type="checkbox"/> Other: ____.                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claim 15-18, and 22-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Zittlau US # 6,157,887.

3. With respect to claim 15, 16, 17, 18, 26, 28, 29, 30, 31, 32, Zittlau shows in Fig.1 and 2 and teaches in col. 3, lines 35- 67 and col. 4, lines 1-67 and col. 7, lines 13-16, col. 8, lines 13-17 a system provided with:

- A plurality of actuators 4;
- A plurality of sensors 15, 16, 17 adapted to sense variable values when the actuator in the operating state;
- A first data transmission channel 12;
- A second data transmission channel 13;
- An electronic control unit 10 including arithmetic units 18, 19 and 20 that programmed to evaluate sensor signals generated by plurality of sensors that received via a bus 22, or bus interface 23 or from data transmission channel 12;

With respect to claim 21, Zittlau teaches motor adapted to drive actuator

With respect to claims 23, 32, 34 in addition to above limitations Zittlau also teaches:

- Means for comparing operating parameters to required parameters presented in Fig. 2 as “comparison/data exchange 27”;
- Means for providing data from the first data bus to evaluation unit when an operating parameter satisfies a required parameter, presented in abstract of Zittlau teaching.

With respect to claims 24, 27, 33 means for providing a fault signal discussed in col. 3, lines 54-67, col. 4, lines 1-3.

With respect to claim 25 in addition to above limitations Zittlau also teaches:

- Transmitting data from sensors and actuators via first data transmission channel 12 to central controller 10.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zittlau US # 6,157,887.

The limitations of the base claim 15 have been discussed in the paragraph above.

With respect to claims 19 and 20, electric motor adapted to drive actuators and linear drive motors are well known in the art, as well as blocking means that prevent motor rotation when actuator is not driven by the motor.

With respect to claims 21 and 22, Zittlau does not specifically disclose a housing and a connector on the housing adapted to connect evaluation unit to the controller via second data bus. However Zittlau clearly teaches connection between controller and evaluation block 8, (see col. 3, line 50). Examiner takes an official notice that many different enclosures and connectors known in the related prior art.

Hence, it has been obvious to one of ordinary skills in the art, at the time invention was made to use known enclosures or housings in order to insulate actuator control system, as in Zittlau teaching from ambient environment.

The reason is protection of sensitive equipment from mechanical or electrical and environmental disturbances.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rita Leykin whose telephone number is (571)272-2066. The examiner can normally be reached on Monday-Friday 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on (571)272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Rita Leykin  
Primary Examiner  
Art Unit 2837

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